

Dear FCC, Thanks for letting me comment. I am an individual consumer, a member of the public. First, I wish to disassociate myself from those=20

alleged =93consumer groups=94 with paid lobbyists. I do not know where they

get their views, but they do not reflect my views or the views of any other consumers that I know. Now, on with the show.

SIMULCASTING

Generally: Keep the requirement for simulcasting in place, as it=20 will create circumstances that will greatly facilitate the transition to=20

DTV.

100% simulcasting will allow the cable industry to easily elect to drop=20

broadcasters=92 NTSC feeds in favor of their ATSC feeds, downconverting to analog as needed either at their own facilities or at their customers'=20

digital cable STBs. No programming will be lost by consumers. In service areas where cable/satellite subscribers account for close to or=20

greater than 85% of households, then TV broadcasters would be able to drop NTSC transmissions quickly.

100% simulcasting will promote carriage of digital channel listings

in printed and electronic TV program guides (I know of no printed listings now for digital channels). This is a consumer awareness issue.

Will a simulcasting requirement be a disincentive for broadcasters=20 to innovate? The benefits of 100% simulcasting far outweigh any perceived disincentives to innovate. Broadcasters, and indeed the whole=20

industry will have its plate too full dealing with all the more mundane=20 issues associated with the transition to start adding complications of=20

=93innovation." There will be plenty of time to innovate after the transition is complete. In any case, broadcasters will still be free to=20

innovate with their digital channels; they can merely downconvert the innovative digital programming to NTSC for the analog feed. If some features are lost, they will be the =93value-added=94 parts of digital=20

programming (this is the incentive for people to switch to DTV, a good=20

thing). These lost features would be permitted under a simulcasting requirement as presentation differences due to the technical features of=20

the two media. (Eg. Aspect ratio formatting, audio mixing (stereo vs.=20 5.1 multi-channel), different cameras for live coverage, as in sporting=20

events involving different camera capabilities and placement, fewer cameras required for HD because of the wider field of view, etc.)

Broadcasters having a market-based incentive to simulcast 100% of=20

their analog programming would not be affected by a requirement to do so. Broadcasters that are not simulcasting 100% of their analog programming require a regulatory incentive. Most or all are not simulcasting 100% now, but they should be; ergo the need for a requirement. A regulation gives a common time frame and certainty to the industry, a level playing field. Absent a requirement, the broadcasters would decide or not whether and when 100% simulcasting would be good for them, but the cable industry would not be privy to that determination for every broadcast station. With a regulation in place, the MVPDs will be better able to plan their own business decisions accordingly (i.e. whether to carry a broadcaster's digital or analog feed, something more likely once 100% simulcast has been implemented).

=93Would something less than a 100% simulcast requirement be sufficient to protect analog viewers while allowing for innovation on the DTV channels?=94

What?! This makes no sense and my guess is that it is a spurious=20

red herring planted by an industry lobbyist with an agenda. The function of a simulcast requirement should be to protect digital viewers, to ensure that they have access to all the programming that analog viewers are getting. The function of a simulcast requirement is=20

to encourage analog viewers to shift to DTV (in so doing they will not=20

get less programming, but more innovative programming and a better picture). DTV programming should have value-added over what consumers=20

can see on analog TV. If not, what is the purpose of going digital (other than spectrum efficiency)?

=93If maintaining some simulcast obligation is appropriate, we seek

comment on whether we should revise the current dates for the phase-in=20

of simulcast requirements.=94

The current dates should stay the same or be advanced. All NTSC=20

programming should be upconverted to digital and broadcast digitally ASAP! Why isn't this being done now? You want people to switch to digital? Give them a reason. Why should digital viewers have to switch=20

channels back and forth to see one station's programming?

=93Therefore, 'same program' would be interpreted broadly to allow=20

broadcasters to take advantage of various digital features, including =20

different camera angles and aspect ratios, additional program information, and interactivity. We propose a definition of simulcasting=20

in the DTV context as follows:

=93Within a 24-hour period, the broadcast on a digital channel of the same programming broadcast on the analog channel, excluding commercials=20

and promotions and allowing for enhanced features and services.

=93We request comment on this proposed definition.=94

What is this =93within a 24-hour period=94 provision? Why are you=20

making this so complicated? Programming is programming. A station's programming schedule should be the same for both digital and analog broadcasts. Digital TV is no longer experimental. It=92s real, it=92s=20

here. People should be able to look in their TV directories at, for example, the schedule for CBS for Thursday night, or whenever, and they=20

should see one schedule, not two. At 9 o=92clock, CSI comes on, period,=20

whether they watch on digital or analog. It should be transparent.

=93Within a 24-hour period=94 is a very bad thing!

When people turn on their TV, they should see the same program, whether=20

they are watching an analog channel or its twin (primary) digital channel. There should be no surprises. Try this for a definition:

Simulcasting means the broadcast on a digital channel of the same=20

programming broadcast on the analog channel, excluding commercials and=20

promotions and allowing for enhanced features and services on the digital channel.

Retaining your existing simulcasting requirements means that you do

not have to introduce the added complication of adjusting the digital broadcast schedule requirements that are currently pegged to the simulcast requirements. Added complications always filter down detrimentally to the consumer.

DEFINITION OF TELEVISION MARKET

Grade B market definitions, DMA market definitions...

All decisions should be weighted toward the alternative that does=20

the most to advance the completion of the transition to DTV, as an established national policy goal. The longer that the transition draws=20

out, the more costly it will be, in the aggregate, to consumers.

For purposes of the 15% rule, here is another guiding principle. =20

Congress did not want more than 15% of American TV households to lose TV=20

programming when the analog broadcasts are shut off. Logically, this does not mean that they now have to start getting channels in digital that they had not been getting in analog, in order to be counted in the=20

85%. If a household is, for example, unable to receive a watchable analog signal from an ABC station, they should not have to be able to receive the digital signal from an ABC affiliate in order to be counted=20

as part of the 85%. Similarly, if a household gets all of its TV programming from a cable company that does not carry the analog programming from one or more broadcast stations in the service area, then that household should not have to start getting the digital programming from those broadcast stations in order to be counted as part=20

of the 85%.

Another principle: Congress contemplated that households could be counted as part of the 85% if they received digital programming via a digital-to-analog converter box. Therefore, it seems reasonable that households should be counted toward the 85%, even if they receive and view their initially broadcast digital programming in a downgraded analog form. This principle would apply whether the digital broadcast programming was converted to analog via an in-home over-the-air digital-to-analog STB, or by an in-home digital cable box, or by the cable company at its end of the cable, or by a broadcast translator or repeater. What matters is that 85% of consumer households continue to receive substantially the same programming after the cut-off of analog broadcasts as they did before. The technical quality of the programming is not the issue.

If there is language in the statute that is inconsistent with that overriding Congressional intent, then the FCC should seek to have the statute amended.

CONVERTER TECHNOLOGY TEST

(ii) digital-to-analog converter technology is not generally available in such market; or
For purposes of Section 309(j)(14)(B)(ii), we propose to define as a digital-to-analog converter units that are capable of converting a digital television broadcast signal to a signal that can be displayed

on an analog television set. We invite comment on this definition.

This definition is fine except that it presumes the technology will in all cases be in the form of a unit. This may limit the technology to consumer-premises D/A STBs, when in fact the most predominant technology during early periods and in some areas may be equipment at a cable company's facilities. Smaller cable companies may

convert the broadcasters digital feed to analog for all its customers.

Should we consider as a digital-to-analog converter a unit that is not capable of displaying in analog format signals originally broadcast in all digital formats?

Yes, as long as it gets the job done for the circumstances in which it is used. Try this definition: Digital-to-analog converter technology is technology that allows the display of digitally broadcast programming on an analog television set in the applicable service area.

We also request comment on how we should interpret the phrase generally available under Section 309(j)(14)(B)(ii). For example, should we require only that digital-to-analog converter boxes be

available for sale at retail outlets in the market or for sale or lease=20

from cable operators or satellite providers?=94

Here again, you are limiting yourself to consumer-owned converter=20

=93boxes.=94 The technology could come in another form.

=93How widespread must the availability be to be considered

=91generally available?=92=94

That would depend on how the consumer gets his or her television=20

programming. Over-the-air broadcast D/A converters should be available=20

both over the internet and at local retail stores. Cable customers need=20

not have sources for the technology beyond their cable provider.

Satellite customers already can get the equipment readily.

=93Should the price of such units be considered?=94

I would not be surprised if a really big problem with D/A

converter

box availability develops for the over-the-air broadcast viewer. People=20

who cling to their analog sets as being =93perfectly okay - it still

works

fine -it=92s only five years old and my last set lasted for 20 years=94

are

not likely to run out and buy a D/A STB while an analog signal is still=20

being broadcast. They will hold out to the bitter end--that being when=20

the analog signal is cut off. Manufacturers of D/A STBs will not have=20

much incentive to make these boxes because who would buy them? And as=20

long as people do not buy them, the cut-off date will be pushed back and=20

back (unless Billy Tauzin=92s proposed legislation makes it through).

And

FINALLY, when the analog signals are stopped, then millions of people

will THAT DAY run to the store looking for their D/A STB! Any that are=20

there will be gone and demand will so exceed supply that price gouging=20

will be the norm and they could cost as much as digital tuners do

today. =93What?! I only paid \$250 for my NTSC set last year and the

converter box I need to make it work costs \$500!? #%*#%=94

I was going to suggest that the FCC go out soon with an RFP to

electronics manufacturers for 10 million of these things and then sell=20

them over your web site, but I guess that isn't going to happen. Oh,

the need for consumer education NOW!

=93Is it sufficient if digital-to-analog converters have been

introduced in the market, or should we also examine the number of

digital-to-analog converter units already purchased and in use by

consumers in the market?=94

Consumers who intend to keep their analog sets for as long as

possible will not buy converter boxes for those sets if the cut-off date=20

for analog broadcasts is indeterminate. This is especially true since=20
many people writing news or magazine stories on the transition say even=20
though the law says 2006, the actual cut off date could be 5 to 10 years=20
after that. People read that and say "Why spend the money, I=92ve got
ten
years, and by that time I will have bought a new set."

=93Should we also address the possibility of lack of general
availability of converters in the face of widespread availability of DTV=20
sets with integrated or non-integrated tuners, thus eliminating the need=20
for converters?=94

Oh, come on, get real! How many tens of millions of NTSC sets did=20
you say consumers bought last year? With no consumer education on the=20
horizon, this is not going to change (unless the FCC starts educating
next month).

=93What if cable systems in the market are providing signals
downconverted from digital to analog at the cable headend so that a
digital-to-analog converter is not necessary to view DTV signals?=94

Yes, that would be good, as long as the FCC keeps its 100%
simulcast requirements on track.

15% and MVPD LICENSE EXTENSIONS

=93The Conference Report that accompanies Section 309(j) (14) (b)=20
states:

"The conferees emphasize that, with regard to the inquiry
required
by section 309(j) (14) (B) (iii) (I) into MVPD carriage of local digital
television service programming, Congress is not attempting to define the=20

scope of any MVPD=92s =93must carry=94 obligations for digital
television
signals. . . . However, for purposes of the inquiry under this
section, a television household must receive at least one programming
signal from each local television station broadcasting a digital
television service signal in order not to be counted toward the 15
percent threshold.=94

=93Is the statutory language clear on its face?=94
No. If a household has been getting all its television
programming
from an MVPD, and that particular MVPD has not been carrying the analog=20
signal of a station in that service area that is now also broadcasting a=20
digital signal, it is absurd to say that household should not be counted=20
as getting digital programming simply because it is not now getting
programming from a station that it NEVER got. This situation should be=20

avoided, either through a common sense interpretation, or by
implementing digital must-carry rules and then construing =93each local=20

television station broadcasting a digital television service signal=94
to
mean digital must-carry stations.
=93How should this language influence our definition of 'market?'=20

Can we conclude that only television broadcast stations that provide a=20

good quality digital signal to the MVPD headend or local receive
facility are contemplated by this language?=94 Etc.

Here again, the FCC should adopt a common sense interpretation
based on Congress=92 intent to preserve for an 85% majority of
households
continuity of programming at the completion of the transition. If the=20

households didn=92t get some programming in the analog era, they should=20

not be required to get that particular programming digitally in order
for the digital era to be fully realized.

=93It is likely that most viewers will subscribe to an MVPD
carrying
digital broadcast signals, but will not initially invest in equipment
that allows them to view these signals. Although the statutory language=20

of this provision refers only to MVPD carriage of the signal, it would=20

arguably be inconsistent with the intent of Section 309(j)(14)(B) not to=20

count such viewers toward the 15% threshold. Accordingly, we invite
comment as to whether MVPD subscribers should count toward the 15%
threshold if they cannot actually view digital television signals
carried by the MVPD.=94

MVPD subscribers should be deemed to be receiving digital
broadcast
signals if they are able to view that programming on their television
set via either a digital signal or a converted analog signal. It should=20

not matter where or how the digital signal was downconverted, the
subscriber is still getting the programming. It doesn=92t have to be
technically gorgeous.

=93Similarly, how should we count viewers who receive over-the-air=20
analog signals from a translator that has downconverted and rebroadcast=20

the main station=92s digital signal? Are such viewers counted toward the=20

85% if they have DTV tuners even though the stations in their market are=20

not delivering digital signals to them?=94

They should be counted as long as they would not lose programming=20

if the station=92s analog broadcast license is not extended. That is
the

test. If all broadcasters are transmitting over-the-air digital
signals, and more than 85% of households are capable of receiving that=20

PROGRAMMING (in pristine high-def widescreen or downconverted low-rez

square), then analog licenses should not be extended. Keeping the analog signal going will not enable the analog viewers to get a better picture, whether the lack of opportunity to take advantage of digital advanced technical qualities is of their own choosing or their service provider.

We invite comment on how we should interpret the phrase 'capable of receiving the digital television service signals of the television stations licensed in such market.' Does this phrase require that a household be capable of over-the-air reception of all television stations licensed in the market in order not to be counted toward the 15 percent threshold for an extension?

If the household cannot receive the digital signal, say because it doesn't have a roof antenna, it should be counted toward the 15% UNLESS it also cannot receive the same station's analog signal.

Should our rules permit TV translators to downconvert to analog format a signal originally broadcast by the parent station in digital format?

No, not if the station is required to broadcast in digital, or else where is the transition? What about people who buy television sets without analog tuners (that will happen at some point)?

For purposes of calculating households in the market to determine whether the 15 percent test is met under both prongs of Section 309(j)(14)(iii), we propose to interpret that provision as requiring grant of an extension where 15 percent or more of the television households in the market neither subscribe to an MVPD that carries local DTV signals (309(j)(14)(B)(iii)(I)), as defined above, nor have equipment capable of displaying signals originated in DTV (309(j)(14)(B)(iii)(II)).

Sounds good to me.

Accordingly, we propose to grant extensions under Section 309(j)(14)(B)(iii) only where the requisite number of television households (15 percent or more) in the market are not capable of receiving digital signals either over the air or via an MVPD. We request comment on this view.

This proposal is okay as long as you define receiving digital signals to mean receiving digitally originated signals that can (1) be displayed on an analog set, or (2) be displayed digitally on a digital set, or (3) be displayed as a downconverted analog signal on a digital set. Also, digital signals should be construed to include only those digital signals having an analog counterpart that the household actually

receives.

CONSUMER AWARENESS AND PROTECTION

=93As the transition proceeds and accelerates for the industry participants, it becomes increasingly important to focus on consumer impact. A recent report to Congress by the General Accounting Office found that more than 95% of the 28 million television sets that were sold in the U.S. in 2001 were analog-only sets. When the transition ends, consumers with analog-only sets will be unable to continue receiving over-the-air broadcast television without use of an external=20

digital tuner or converter. The GAO Report also found that at least 40%=20

of the public is unfamiliar with the digital transition and 68% of those=20

surveyed did not know that current analog televisions would require a converter box to keep working after the transition is complete.=94

Your first sentence in the above paragraph points out the apparent=20

focus of the FCC in this transition to DTV: =93the industry participants.=94 This was short-sighted, since a rapid transition to DTV

depends first and foremost on consumer awareness of the particulars of=20

the transition. As the years of the transition have rolled by, I have=20

been struck by how little information is reaching the public. In prior=20

written comments filed with the FCC in other actions, as well as piles=20

of letters to everyone, I have documented the effective efforts of the=20

consumer electronics industry and the mass market television retailers=20

(most notably Best Buy and Circuit City) to keep knowledge of the transition from the public, and even to mislead them. The few digital=20

TV stories appearing in newspapers have been distinguished by how well=20

they have disseminated confusion and misinformation. I have not seen digital channel schedules in any printed TV programming guides (& I am=20

in an area with good DTV availability). Retailers are finally starting=20

to advertise widescreen HDTV sets, but not as part of a new incompatible=20

(with NTSC) standard, but simply as bigger, fancier sets, the high-end=20

of their line-up.

The manufacturers and retailers have a vested interest in keeping=20

the consumer ignorant=97they want to keep selling NTSC sets. The newspapers continue to rebuff suggestions to include program listings for the new digital channels; I can only guess that they want to keep peace with their advertisers.

The FCC hopefully has an interest in advancing consumer knowledge=20

of the transistion, but what has it done? Nothing effective, if anything. The =93market forces=94 that figure so prominently in the arguments of the industry foot draggers is a term that in reality is synonymous with =93advertising,=94 and all the advertising has been aimed at

slowing adoption of DTV. It is past time for the FCC to start to protect consumers=92 interests, as it claims as a priority. In fact, too

many FCC actions seem to be in response to self-interested industry =93comments.=94 The FCC needs to get into the advertising business, right

now and in a big way.

What=92s that you say? We don=92t have people whose job is to educate the public? We don=92t have any money in the budget for advertising? We

don=92t have authority? That=92s not our job?

If the FCC doesn=92t do it, it won=92t happen, and next year another

gazillion new NTSC sets will go home with unsuspecting victims of the greatest scam on earth (well, maybe not the greatest, but you get the idea). And the next year.

Here=92s what you should do:

After you finish reading this, go up and bang on Chairman Powell=92s door. Tell him the FCC needs to educate the public on the transition. =20

Be enthusiastic! Make sure he assigns someone to exclusively head up the effort, someone with authority who knows how to get things done.

Reassign highly motivated staff for this effort, or hire new staff.

Reallocate funds from your budget, or go see Billy Tauzin for a supplemental appropriation. In the meantime, beg, borrow, or steal the=20

resources you need. Don=92t let the industry interfere; they will scream!

Decide what the public needs to know.

Print up a big pile of one-page flyers explaining the transition to

digital TV and mail one of these to every residence in America (I'm serious!). Members of Congress seem to have free mailing privileges; wrangle something like that if you don=92t have the budget. Be creative!

Make sure that you tell the public this transition has already been going on for six years and the industry has known it, just so the public=20

doesn't blame the FCC for springing this on them at the last moment.

Hire an advertising agency to produce a series of slick 30-second=20

TV spots=97public service announcements=97and get every TV station to start

airing them as part of their public interest obligations. The military=20

produces slick TV ads; you can too.

All of the above is not regulatory; you can start today! Do it!

Put labels on TV sets (see comments in section below).

DTV LABELING REQUIREMENTS

=93We seek comment generally on whether the Commission should implement labeling or notice requirements of any type for consumer television equipment TO ASSIST THE TRANSITION AND PROTECT CONSUMERS.=94

Yes! This is vital!

=93After reviewing the comments on labeling in the proceeding, we=20 decided not to require television receivers that cannot receive over-the-air digital broadcast signals to carry a label informing consumers of this limitation.=94

What comments? By whom? What reasoning? That labels would discourage sales of NTSC sets?

=93Rather, we determined that we would continue to monitor the state of the marketplace and would take additional steps if necessary to protect consumers=92 interests.=94

=93Continue to monitor=94 means to do nothing. You decided to sit on your hands while consumers=92 interests were being trampled. You lament=20

that consumers continue to buy NTSC sets by the tens of millions and that their ignorance of the transition is widespread, and yet you had the temerity to make the above labeling decision? This defies common sense, and points to a politically motivated decision by the FCC to inhibit the transition to DTV by siding with the interests of consumer=20

electronics manufacturers and mass-market retailers. Certainly that decision could have no other result.

=93Do equipment manufacturers plan to label such equipment to describe the reception limitations or need for additional receiving equipment?=94

Oh, sure. Manufacturers always prominently display the limitations and shortcomings of their products.

=93What is the potential for consumer confusion in connection with=20 these devices?=94

They don=92t have a clue that the NTSC set they are buying is already obsolete. What new standard?

=93Should we require labeling on pure monitors that can be used to=20 display video services, which neither receive off-air signals, nor are=20 designed to be =93digital cable ready,=94 to advise consumers that the=20 monitor cannot function to receive programming unless it is attached to=20 an off-air tuner, or cable, or satellite receiver?=94

Yes.

=93Should we require labeling on digital television receivers that=20 are not =93digital cable ready=94 to indicate that the set =93will not receive cable or satellite programming without the use of a converter=94?=94

Yes.

=93We seek comment on these and other labeling options, as well as=20

the need for and costs of such required disclosures.=94

Only the direct costs of labeling should be considered. The cost=20
of lost sales of NTSC sets should absolutely NOT be considered. Lost
sales due to labeling would be the result of market forces created by an=20
INFORMED public. A decision NOT to require labeling would ratify past=20
industry behavior aimed at keeping the public ignorant of the transition=20
to DTV.

The most important labeling requirement would be for a disclosure=20
label on analog-only sets to inform consumers that a converter or
external DTV tuner will be needed to ensure reception of television
broadcast signals after stations in the consumer=92s market complete
conversion to digital-only broadcasting. This is a last line of defense=20
against consumer ignorance before he or she makes an uninformed decision=20
to purchase an obsolete NTSC set. The GAO study confirmed the anecdotal=20
truth that the vast majority of consumers have no idea that the U.S. is=20
in the latter stages of a transition from an analog television standard=20
to an incompatible digital one, a transition that was started years ago.

=93For example, we could require that all new analog sets display
a
label stating that =91when broadcasters switch to digital broadcasting,=20
this set will not receive or display television signals without the use=20
of a converter.=92=94

The label should be more specific, informative, and compelling: =20
=93This analog television set will not receive or display television
signals after 2006* without the addition of a digital-to-analog
converter. And in fine print: =93* unless certain conditions are not
met=94

=93Where should the label be placed?=94
The label should be placed directly on the television screen,
where
it cannot be missed (clear plastic label). A regulatory proscription
should forbid the removal of the label on store display models. Its
removal by other than the ultimate consumer should be forbidden by law=20
(like mattress tags), under penalty of imprisonment in a small dark
cell. Another prominent (large) label with the same wording should be=20
printed on the carton the television set is packed in.

=93Should there be additional point-of-sale disclosures?=94
Not necessary if the FCC does its advertising job.
=93Should we require retailers to provide consumers with a digital=20
conversion fact sheet with the purchase of all new television

equipment?=94

Not if the FCC mails out that fact sheet to every residence in the=20
US.

=93Finally, we seek comment on the Commission=92s authority to
adopt
any of the above labeling requirements.=94

If the FCC does not believe it has the authority, then draft the=20
needed legislative amendments and take them up to the Hill. Digital TV=20
has friends there.

ASPECT RATIO

You didn=92t ask about this, and I=92ve nagged about it before,
but
people are still buying 4:3 sets out of ignorance. If they knew that
future programming will all be 16:9, they would behave differently. All=20

sets should be required to have 16:9 displays. The mandated transition=20
should be the same as what has been required for integrated digital
tuners. The transition to digital is more than half-way through; it=92s=20

time for 16:9. If you can=92t find it in your hearts to do this, then
at
least require labels that say =93This television screen will not
properly
display the 16:9 aspect digital programming that will be broadcast when=20

the transition to DTV is complete.=94 or something along those lines. =20

It=92s the truth. Should you hide it from the consumer? If you don=92t=20

want to do that, the industry should at least be =93encouraged=94 to
stop
building 4:3 sets by one of Chairman Powell=92s motivational speeches.

Are we done?